

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2, 3 and 8-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the term "wherein first and second contact groups respectively by providing a plurality of said contacts," in lines 2-3. The scope of this recitation cannot be determined from the claim language and, therefore, renders the claim indefinite.

With respect to claims 8-10, the full scope of the last clause of independent claim 8 cannot be determined. What is included and/or excluded by this claim language cannot be determined and, therefore, renders the claims indefinite.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 4-7 are rejected under 35 U.S.C. 102(e) as being anticipated by
Pearl et al. US Patent No. 6,497,719

Pearl et al. disclose apparatus and method of use for stimulating hair growth, the apparatus comprising: a housing that houses electric components including a power supply (col. 7, lines 46-49); a light source 8 disposed in the housing, which provides the treatment energy; and contact tip (hair brush teeth 3) projecting from the housing (Fig. 1A-C). Pearl et al. further teach that the housing is sealed to protect the device from contaminants, such as water, dust particles, water vapor, etc. (col. 7, lines 57-60).

With respect to the recitation "a contact drive mechanism" in claim 1, the apparatus of Pearl et al. comprises a handle portion configured to move the hair brush teeth 3 in relation to the scalp of the patient/user (Figs. 1A and 2B). Hence, in this Office Action, the handheld portion of the device is treated to be equivalent to the recited drive mechanism.

With respect to claim 4, the housing includes an upper housing 2 and that accommodates the electrical components, and a lower housing 1, which supports the hair brush teeth (see Fig. 1B).

With respect to claim 6, the apparatus of Pearl et al. comprises a laser source 8 adapted to provide the treatment energy.

With respect to claim 7, the hair brush teeth 3 of Pearl et al. transmit the treatment energy and, therefore, are made of light translucent material as claimed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ahmed M. Farah whose telephone number is (571) 272-4765. The examiner can normally be reached on Mon, Tue, Thur and Fri between 9:30 AM 7:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Johnson Henry can be reached on (571) 272-4768. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ahmed M Farah/
Primary Examiner, Art Unit 3769

June 7, 2010.